

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: DARYL FRANK SWARTZ and	:	CHAPTER 13
ELAINE RENEE SWARTZ	:	
Debtor(s)	:	
	:	
CHARLES J. DEHART, III	:	
STANDING CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
DARYL FRANK SWARTZ and	:	
ELAINE RENEE SWARTZ	:	
Respondent(s)	:	CASE NO. 1-19-bk-01790

TRUSTEE’S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 13th day of June, 2019, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)’ plan for the following reason(s):

1. Debtor(s)’ plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required. More specifically,

Trustee alleges and avers that debtor(s)’ disposable income is greater than that which is committed to the plan based upon the Means Test calculation and specifically disputes the following amounts:

- a. Actual taxes incurred with tax refund adjustment – Line 16.
- b. Plan payment calculation sum of Lines 34, 35, 36 45.
- c. Line 33(d) vs. Line 6

2. Debtor(s)’ plan violates 11 U.S.C. Sec. 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, debtors have excess non-exempt equity in the following:

- a. Residential real estate.

3. Trustee avers that debtor(s)’ plan is not feasible and cannot be administered due to the lack of the following:

- a. 2018 Federal Income Tax return.
- b. Copy of the 2018 federal corporate return for all corporations in which the debtor(s) is a principal share holder.
- c. Paystub for month ending June 30, 2019.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 25th day of June, 2019, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Lawrence Young, Esquire
135 North George Street
York, PA 17401

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee